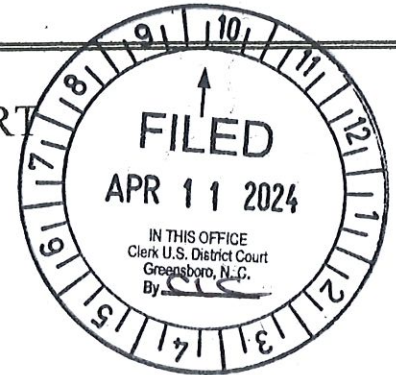


UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Civil Division



Case No.

24 cv 310  
(to be filled in by the Clerk's Office)

Shannon Oranda Jefferies

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Upstream Pharmacy, a.k.a. Upstream  
Pharmaceutical Care LLC, Upstream Accountable  
Care Network LLC, a.k.a. Upstream Care

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Shannon Oranda Jefferies
Street Address	909 Fairway Avenue
City and County	Thomasville Davidson County
State and Zip Code	North Carolina 27360
Telephone Number	(336) 561-7060
E-mail Address	shanjefferies@yahoo.com

Defendant No. 1

Name	Upstream Pharmacy
Job or Title <i>(if known)</i>	Pharmaceutical Company
Street Address	1100 Revolution Mill Drive Ste 10
City and County	Greensboro Guilford County
State and Zip Code	North Carolina 27405
Telephone Number	(336) 285-7985
E-mail Address <i>(if known)</i>	www.upstream.care

Defendant No. 2

Name	Upstream Pharmaceutical Care LLC
Job or Title <i>(if known)</i>	
Street Address	1100 Revolution Mill Drive Ste 10
City and County	Greensboro Guilford County
State and Zip Code	North Carolina 27405
Telephone Number	(336) 285-7985
E-mail Address <i>(if known)</i>	www.upstream.care

Defendant No. 3

Name	Upstream Accountable Care Network LLC
Job or Title <i>(if known)</i>	
Street Address	1100 Revolution Mill Drive Ste 10
City and County	Greensboro Guilford County
State and Zip Code	North Carolina 27405
Telephone Number	(336) 285-7985
E-mail Address <i>(if known)</i>	www.upstream.care

Defendant No. 4

Name	Upstream Care
Job or Title <i>(if known)</i>	
Street Address	1100 Revolution Mill Drive Ste 10
City and County	Greensboro Guilford County
State and Zip Code	North Carolina 27405
Telephone Number	336) 285-7985
E-mail Address <i>(if known)</i>	www.upstream.care

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	Upstream Pharmacy
Street Address	1100 Revolution Mill Drive Ste 10
City and County	Greensboro Guilford County
State and Zip Code	North Carolina 27405
Telephone Number	336) 285-7985

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Other federal law *(specify the federal law)*:

Wage and Hour Division

- ☒ Relevant state law *(specify, if known)*:

NC Retaliatory Employment Discrimination Act (REDA)

- ☒ Relevant city or county law *(specify, if known)*:

The Family and Medical Leave Act



**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: FMLA discrimination, treated unfairly due to disability/ impairments/illness/race/color and age. Lack of proper record keeping within company. Experienced hostile work environment. Wage and merit increase differences in pay based on race/color/age and my disability. Exposed to racially tense situations, harassment, repeated patterns and practices of resistance, repeated adverse actions done by Upstream. Not properly notified of changes, new protocols etc... and my personal phone compromised due to company authenticator.

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
2021, 2022, 2023, continued/ongoing adverse actions/retaliation and discrimination in 2024

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race based on my physical characteristics and color, me being Black African American, my ethnicity and my cultures I was discriminated and retaliated against

- ☒ color due to me being of the black skin color/ethnicity and black race, African American and having different color of skin than other employees I faced discrimination
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☒ age (*year of birth*) 42 years (only when asserting a claim of age discrimination.)  
of age,  
treated  
unfairly  
and not  
treated as  
well or  
paid as  
well as  
the other  
younger  
employee  
s.
- ☒ disability or perceived disability (*specify disability*)  
Post Cholecystectomy Syndrome, Covid 19, Long  
Covid, Pancreatic Insufficiency, IBS

E. The facts of my case are as follows. Attach additional pages if needed.



Im a Certified Medical Assistant with 20 plus years of health care experience. I am also a 42 year old African American of (Black) color, descent and ethnicity. I started what was supposed to be a remote clinical pharmacist assistant position, working with Upstream Pharmacy on January 6, 2021. But I wasn't allowed to completely work from home until February 2023. I got ill with Covid 19 twice and was diagnosed with Long Term Covid(LongCovid) also in 2021-2022. I feel that I was exposed to Covid due to being made to go to mandatory meetings at Upstream Pharmacy (The Mill). After that, I had to have emergency surgery to have Gall Bladder removed in February of 2022. While I was out my PTM at the time Ashlea Bostick sent me messages, singled me out, harassed me, knowing I was ill and at the ER. I had to be out of work due to the surgery and no one at Upstream assisted me in getting Short Term Disability or FMLA. Ashlea Bostick told me that I would have to borrow PTO due to the fact that I had none since she and other employees at Upstream were stealing it. Upstream was not keeping proper record of PTO or other personnel info. I informed my DCC at the time (Nick Conley) of Ashlea's demeanor/behavior towards me but nothing was done/handled because he knew Ashlea and showed favoritism based on the fact that he and Ashlea used to work together before Upstream. I feel that's how she got the position and I was overlooked. I also notified Leslie Kessner in HR about Ashlea's treatment towards me. From that day on I faced retaliation, increased work loads and discrimination, also adverse actions. My former DCC Nick Conley, Ashlea Bostick and Amber Busick (HC at the time) tarnished my character. They would leave me out of meetings etc... Ashlea then got pregnant and she and Amber transitioned to new teams. During the transition Ashlea had FMLA and Amber Busick (Caucasian, younger HC) started acted like she was in charge. I was a victim of workplace mobbing. I was never given the choice to be PTM or asked to do the position. I feel like it was due to my race, color, retaliation and age discrimination. I was contacted by my new PTM/CTL Jessica Delarosa and told that I was being treated unfairly. I was told that they all were speaking badly of me and my work ethic to Jessica. Jessica also brought up comments made by Amber Busick regarding my age. I heard her say in the meetings "who's the oldest one on the team". Nick Conley even sent me pictures of 102 year old lady blowing out candles on my birthday. It offended me. I sent a ticket to HR regarding Retaliation on or around September 2022. I also sent an email to HR (Brittany Taylor and Michelle Crosby) regarding Retaliation and unfair treatment at Upstream. No one replied in a timely manner so I sent another complaint. Nick Conley called me back through teams instead of HR calling me back and he was upset. He threatened to move me to a new team and told me to "step it up!" He asked me why did I go to HR. He also began to try and make a paper trail of work issues that I had never been addressed about. Such as "care plans"although he then blamed it on Hannah Bullock my CPP. This was (pretext). I had never had a bad performance review before any of this occurred. After speaking to Michelle Crosby (HR) Nick was made to apologize to me because he had no proof to show me of what I was supposedly doing wrong. From then on things got worse and he tried to relocate me to another team several times.(causal connection and adverse actions.) Nick and Ashlea started doing more adverse actions against me. I got sicker reagrding my health and I had asked for accomodations since basically May 2022, flexible work arrangements etc.. due to my health issues but was denied each time I asked. I was not given raises at adaaquate times I was supposed to get them. I also asked for part time/reduction in hours or if there were other work I could do while I was sick but was told no several times and finally given the ok around October 2023 and then Nick Conley rescinded it. (adverse actions). In summary, after these adverse actions, retaliation and discrimination issues I went to my doctor to advocate for myself and my health and he demanded I ask Upstream for FMLA papers. In February of 2023 I was given FMLA by Upstream after a year of complaining about my health to them. No one cared or helped me. Even after getting FMLA I was left alone on my team to work as the only HC with no help. Since then there have been continuous adverse actions taken against me, my HIPAA rights were violated, intimidation tactics to try and force me to move to new team with new EMR, New protocols, and they tried to make it so hard on me that I would quit. Upstream has also admitted most of there mistakes about my wage /PTO hours/pay being incorrectly handled in emails. They have not paid me the salary that I deserve. I have an Associates degree in Applied Science, AAMA Certified Medical Assistant degree. Other at Upstream (Caucasian workers, even younger workers) make more than me without having the experience that I have. These issuesI experienced at Upstream constitute several violations: Title VII of Civil Rights Act, violations of the Fair Labor Standards Act. I experienced violations of The Family and Medical Leave Act. violations of Title I of the Americans with Disability Act of 1990 which prohibits privat employers



state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement compensations, job training, and other terms. Violations of The Age Discrimination in Employment Act of 1967. I feel it is due to my race/color, ethnicity. They admitted that they did not act in a timely manner with my FMLA by emails with Theresa Lough in HR. I can prove my PTO was taken/stolen by other employees and have emails where their payroll manager admits errors in PTO and Paylocity systems. I was discriminated against, retaliated against, treated unfairly and unequal due to my race, ethnicity and color of my skin. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex and national origin. I was discriminated against and a victim of retaliation due to my FMLA /Disability. The discrimination and interference of FMLA still continues. I filed the EEOC inquiry on or around 1/27/2023 and the actual charge February 2023. I have also filed a REDA complaint 1/30/2024. Even with the protected activities, the willful misconduct continues with Upstream to this date/year. At the time that I filed my EEOC charged I had included Retaliation, Age, Race, Equal Pay, Discrimination, FMLA Discrimination and Disability ADA discrimination. Greensbor office transferred my case to Virginia without knoweldeg of why they did so and left off certain complaints. I did state this several times in emails and verbally to them. I also stated that my case was not being investigated properly. The most recent event of discrimination was held on or around 3/25/24 and 3/26/24. Upstream laid about 90 employees off. They let my CTL Jessica Delarosa go and never told us employees until I asked. Then I noticed Ashlea Bostick the same person I had complained that reatliated against me before was now put back on our team as the Team lead because they fired our PTM's/CTLS Jessica Delarosa and Erica Ratliff. Since working with Upstream I have opposed to doing things that I felt were unethical or illegal and I was retaliated against. I feel that Upstream has cuased me a great deal of stress.

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*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

February 13, 2023.

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- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) 1/25/2024

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: ~~4/9/2024~~ 4/11/2024 *SO*

Signature of Plaintiff

Printed Name of Plaintiff

*Shannon Jeffries*  
Shannon Orinda Jeffries

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



- ☒ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

## V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

PTO \$2,000 or more owed 40-80 hours, Taxes owed/STD Amended \$2,000 or more paid due to them not taking out enough taxes on employees(improper record keeping), Doctors bills/visits \$5,000 that I paid on my own based on insurance not covering them or them not covering my med cost properly (credit affected also due to past due medical bills on such a low salary). Not making enough to cover cost of living expenses/meds etc.... Ongoing FMLA discrimination \$100, 000.00 Emotional stressand anxiety. Mental Stress caused by job. Stress form job also made illness worse \$100,000.00, Back Pay for the salary that I should have made in the past and be making now but was denied due to their unfair processes \$50,000.00 Lawyers I have paid for consultations for this lawsuit. \$600.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: ~~4/9/2024~~ 4/11/2024 SOS

Signature of Plaintiff

Printed Name of Plaintiff

Shannon Randa Jeffries  
Shannon Randa Jeffries

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_